



01-08-02

JDAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Burkhardt et al.

Art Unit 2182

Serial No. 09/912,864

Filed July 24, 2001

Confirmation No. 6214

For METHOD AND SYSTEM FOR CREATING AND EMPLOYING AN OPERATING
SYSTEM HAVING SELECTED FUNCTIONALITY

Attorney Docket MS155706.1(4931)

January 4, 2002

PETITION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS
SIR:

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Technology Center 2100

Applicants submit this petition to avoid the need to pay extension of time fees in responding to a Notice to File Corrected Application Papers purportedly mailed to applicants' attorneys but **which has never been received**. The Office apparently mailed the Notice in connection with the above-referenced patent application on September 4, 2001. By this Petition, applicants seek to reset the period for reply under 37 CFR 1.181. In the alternative, please consider this Petition to be a petition to suspend the rules under 37 CFR 1.183 if the petition to reset the period for reply is otherwise considered defective.

Applicants first became aware of the existence of the Notice on November 6, 2001 upon receipt of a Decision Granting Petition mailed October 31, 2001. The Decision referred to the Notice as having been mailed September 4, 2001 and stated that the Initial Patent Examination Division was awaiting a response to the Notice. It is the regular procedure for applicants' attorneys to docket all due dates immediately upon receipt of any correspondence from the Office. A search of the file jacket and docketing records indicates that the Notice was not received by applicants' attorneys.

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In response to applicants' inquiry, Mrs. Ivey of the Customer Service Center informed applicants via telephone on November 13, 2001 that nothing in the Office computer system indicated that any such Notice had ever been mailed. However, after a follow-up inquiry by applicants' attorneys, the Customer Service Center transmitted a facsimile copy of the Notice on December 3, 2001. Enclosed is a copy of the facsimile Notice.

In light of the foregoing, applicants submit that **no extension fees** are needed in responding to the Notice inasmuch as applicants never received the mailed Notice and are now responding to the facsimile-received Notice in an expedited manner. Enclosed is a copy of the Letter to the Official Draftsman filed concurrently herewith in response to the Notice.

The Commissioner is hereby authorized to charge to Deposit Account No. 19-1345 any fees under 37 CFR 1.16 and 1.17 that may be required during the entire pendency of this application.

Respectfully submitted,



James J. Barta, Jr., Reg. No. 47,409
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

JJB/cjl

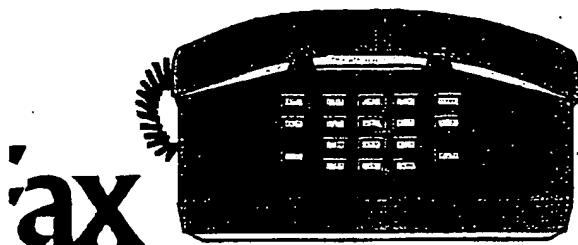
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U.S. Department of Commerce
Patent and Trademark Office
Office of Initial Patent Examination (OIPE)
Phone # (703) 308-3640 Fax (703) 305-9863



To: Ms. Jeann Loya From: C.M. Hayward
 Fax: 314 231-6342 Pages: 2
 Phone: _____ Date: 12/03/01
 Re: _____ Office : OIPE

Urgent Corrected Filing Receipt Replacement Filing Receipt Please Reply

● Comments: Per your request.

*Copy of the Notice to File Corrected
Application Papers mailed 09/04/01*

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UNITED STATES DEPARTMENT
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR
UNITED STATES PATENT AND TRADEMARK
WASHINGTON, D.C.
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/912,864	07/25/2001	Ryan Burkhardt	MS#155706.1 (49)

21
JENNIGER POWERS LEAVITT AND ROEBEL
ONE METROPOLITAN SQUARE
6TH FLOOR
ST LOUIS, MO 63102



CONFIRMATION NUMBER
FORMALITIES LETTER



OC000000006507187

Date Mailed: 09/

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is incomplete as it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

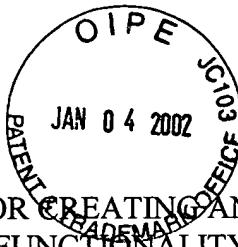
MS
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Burkhardt et al.
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Confirmation No. 6214
For METHOD AND SYSTEM FOR CREATING AND EMPLOYING AN OPERATING
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Art Unit 2182



January 4, 2002

LETTER TO THE OFFICIAL DRAFTSMAN

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS
SIR:

* Submitted herewith are five (5) sheets of formal drawings to replace the drawings now on file.

Respectfully submitted,

A handwritten signature in cursive ink that reads "James J. Barta, Jr."

James J. Barta, Jr., Reg. No. 47,409
SENNIGER, POWERS, LEAVITT & ROEDEL
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St. Louis, Missouri 63102
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Express Mail No. EL 801512612 US

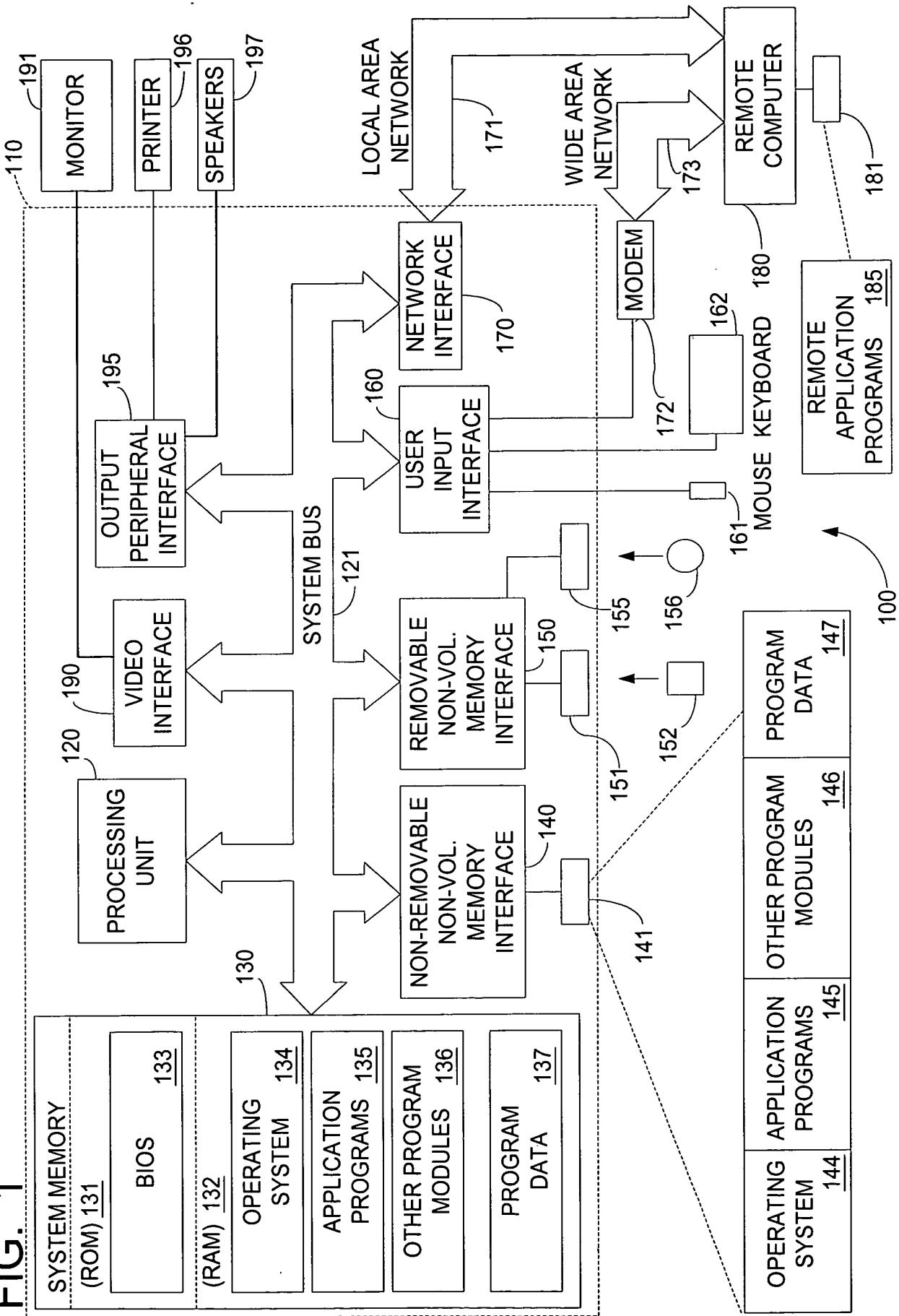
JJB/cjl
*Enclosure

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FIG. 1



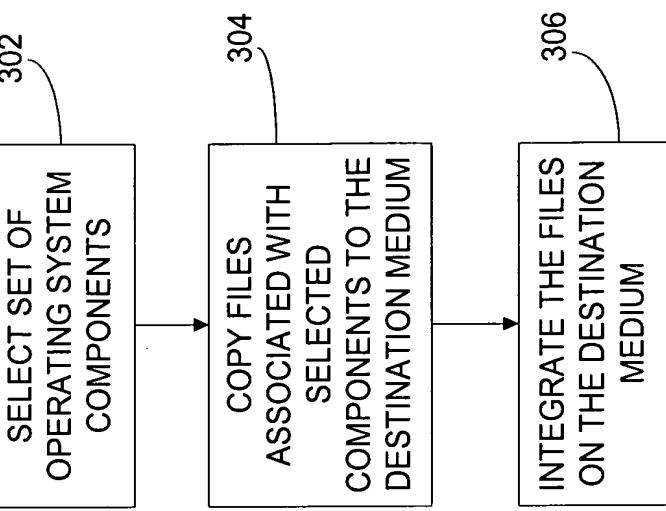


FIG. 3

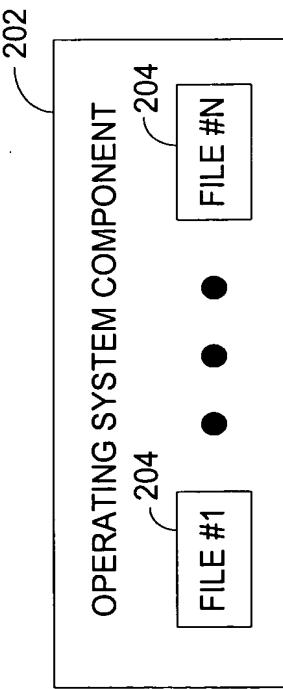


FIG. 2

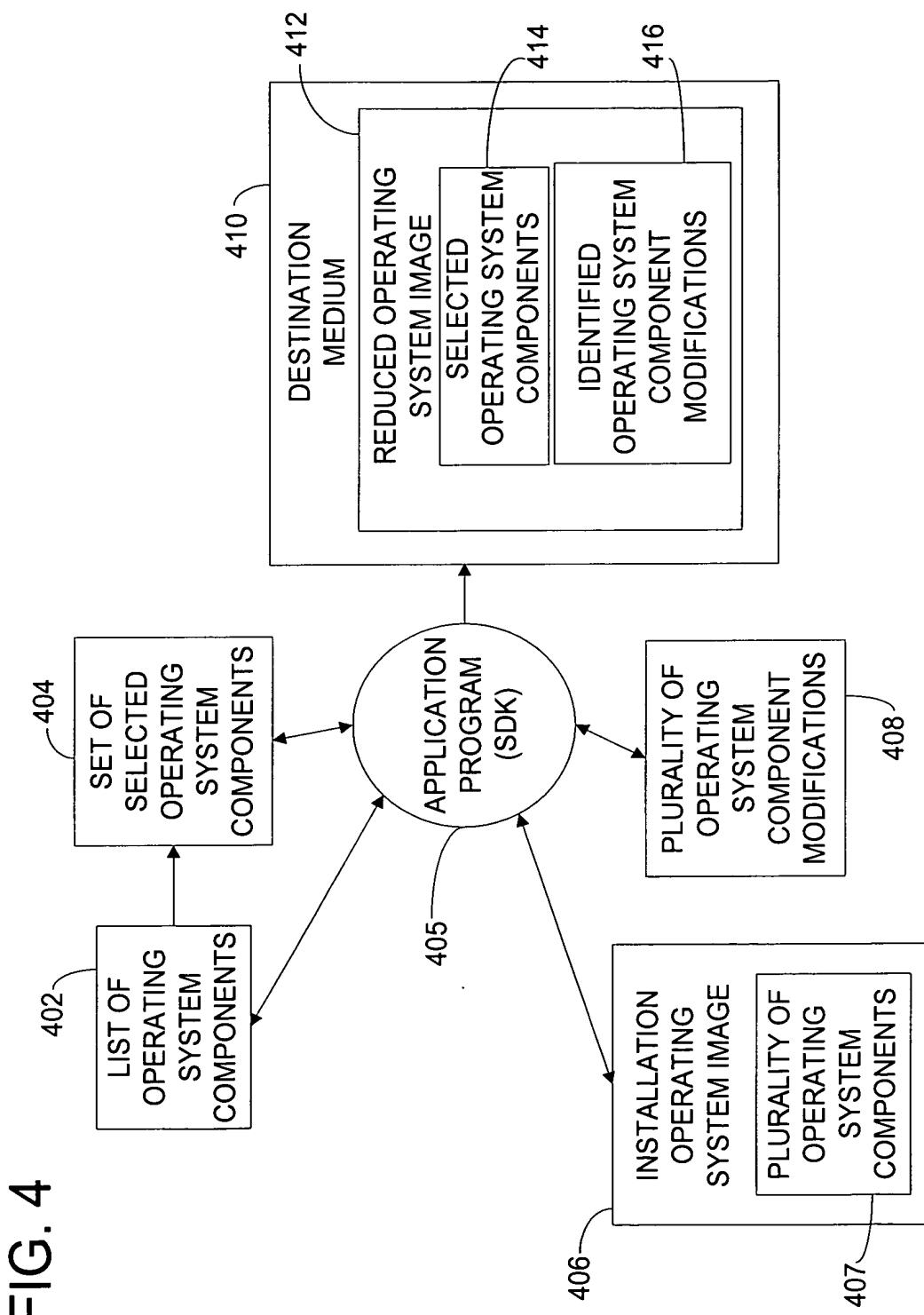


FIG. 5

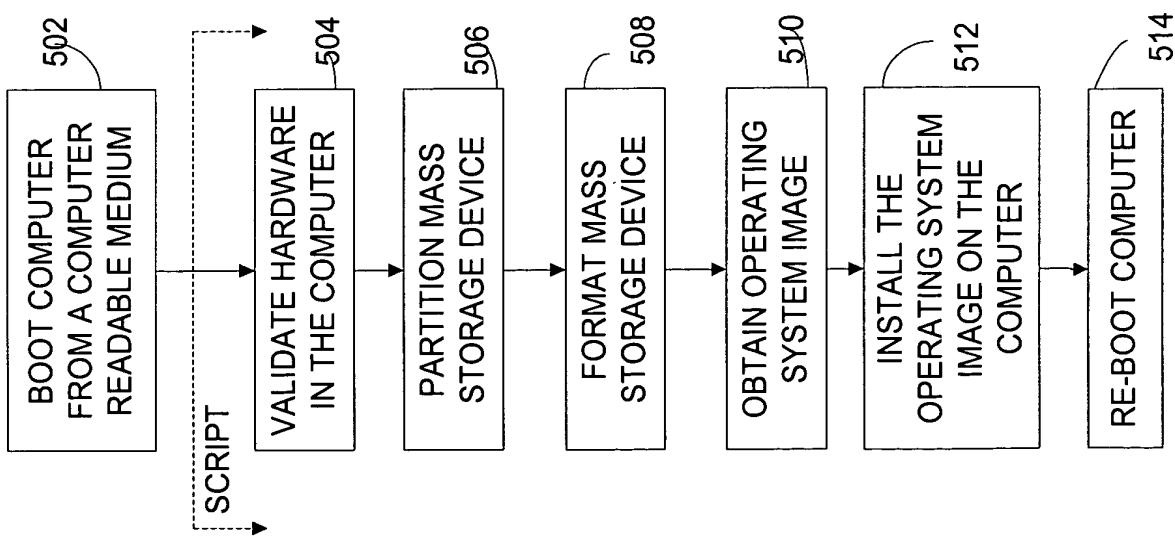


FIG. 6

